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C O N F I D E N T I A L SECTION 01 OF 02 BANGKOK 006767

SIPDIS

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TAGS: [PREF PHUM PREL CB TH CAMBODIA](#)

SUBJECT: CAMBODIAN ACTIVISTS URGENTLY SEEK REFUGEE STATUS
AND RESETTLEMENT IN US

REF: A] BANGKOK 06619 B] PHNOM PENH 01722

Classified By: POLITICAL COUNSELOR SUSAN M. SUTTON reason 1.4 (b) (d)

1.(U) This is an action message requesting instructions by Friday October 28. Please see paragraph 7.

12. (C) Summary and action request: Events concerning the three Cambodian activists in hiding in Bangkok (ref A) are moving quickly. Based on conversations today, we have determined the following:

- UNHCR plans to interview the three on Friday.
- UNHCR has contacted the MFA and asked what its response would be if UNHCR requested emergency resettlement for the three; MFA indicated that it would respond on Friday.
- We believe that UNHCR is likely to determine that the three are qualified for referral as refugees.
- The initial Cambodia extradition request was rejected by the Thai since it did not meet the requirements of the extradition treaty; a correct request is expected shortly. We believe it may/may be easier for the Thai to permit some kind of resettlement if the three can be moved before the revised extradition request is received.
- The three activists want refugee status and resettlement, although they hope eventually to return to work in Cambodia. The US is their preferred destination, because they have family there, and because they believe this is the best platform from which to continue promoting human rights in Cambodia.
- The New Zealand embassy is considering organizing a joint demarche on the RTG to encourage it to resolve this problem quickly by allowing the three to be resettled. If Wellington approves, they will request US participation.

Action request: We believe that we should participate in such a demarche if it is organized. Given the short fuse on this issue, we believe it would also be useful for the US to approach the MFA on Friday and underscore our concern regarding this case. We also request guidance on the possibility of resettlement in the US. (See para 7). End summary and action request.

13. (C) Post had two meetings today which provided new information about the status of the three Cambodians (Ear Channa, Man Nath and Chhan Channy) who fled to Bangkok earlier this month (refelts). New Zealand diplomat Steven Dowell reported that UNHCR had approached MFA about the possibility of RTG agreement to emergency resettlement for the three. MFA has promised to provide a response on Friday. UNHCR told Dowell that an approach by embassies to the MFA supporting UNHCR would be useful at this time. The NZ embassy here has proposed to Wellington that it organize a joint demarche to the Thai and asked us to join if the initiative is approved. The demarche could include points to underscore that the three are being accused solely on the basis of the peaceful expression of their political views, and that Thailand could be the target of widespread international criticism for cooperating with Cambodia in this case. The goal of the demarche would be to offer international assistance to resolve the problem by removing the three Cambodians and thus getting Thailand out of the tough position Cambodia is putting it in.

14. (C) Post also met with Forum Asia, the NGO assisting the three Cambodians. Forum Asia informed us that UNHCR would interview the three on Friday afternoon, sending a representative to see them in a secure location in case the UNHCR HQ is being watched by Cambodian intelligence, as the NGO has reported. Forum Asia is concerned that, even if UNHCR finds the group qualified as refugees, the RTG may still not issue the necessary exit visa. We share these concerns.

15. (C) Forum Asia believes that there may be a temporary window of opportunity to get the three out of the country. The Cambodians submitted their extradition request in an incorrect format, and the Thai MFA has not accepted it. (According to Forum Asia, the Cambodians submitted their request from PM Hun Sen to PM Thaksin, and the PM is not an authorized person to make the request.) Everyone assumes that the Cambodians will resubmit the request soonest and correctly, thus making it much more difficult for the Thai to permit the Cambodians to leave. The Forum Asia representatives emphasized that the three hoped to return to

Cambodia someday, but wanted refugee resettlement now, and hoped to go to the US, where they have family and can best carry on their work promoting democracy in Cambodia.

16. (C) We told Forum Asia that we had already conveyed the high level of international concern and our own interest to the Thai government already (ref A). Regarding possible resettlement to the US, we informed them that, while the US did at times accept referrals from the UNHCR, we could not at this time commit to taking these individuals. More important, if UNHCR needed to get them out of Thailand quickly, the US might not be the best destination, even if we agreed to take the three. If UNHCR and the Thai reached agreement to move the three quickly, for example, before the new extradition request was received, than the US processing time required for refugees might take too long. According to UNHCR, there are other countries that are prepared to move more quickly in response to urgent refugee situations.

17. (C) Action question:

1A. We request Department concurrence on a low-key approach to the RTG as soon as possible, noting our concern about the case and encouraging the Thai to work with UNHCR and the international community to find a solution that would permit the three to be resettled.

1B. If approached by New Zealand, request Department concurrence to participate in a joint demarche along the same lines.

1C. Request Department guidance on the issue of resettlement in the US for the three Cambodians.

Given the speed with which this issue is moving, we request guidance by Friday October 28, Bangkok time, or, at latest, Monday. End action request.

KEUR